

## **NOTICE OF PROPOSED AMENDED AND RESTATED CLASS ACTION**

### **SETTLEMENT AND HEARING TO BE HELD ON MAY 7, 2015**

TO ALL MEMBERS OF THE NATIONWIDE CLASS CERTIFIED BY THIS COURT TO INCLUDE BLIND PATRONS OF AUTOMATED TELLER MACHINES (“ATMs”) OWNED OR OPERATED BY EITHER CARDTRONICS, INC. OR CARDTRONICS USA, INC.:

On December 4, 2007, this Court granted final approval of a class action settlement agreement (“Settlement Agreement”) entered into between Plaintiffs, the Commonwealth of Massachusetts, the National Federation of the Blind (“NFB”), and several individual blind persons, and Defendants, Cardtronics, Inc. and Cardtronics USA, Inc. (collectively “Cardtronics”), concerning, among other things, the accessibility of ATMs owned or operated by Cardtronics to blind patrons under the Americans with Disabilities Act (“ADA”) and Massachusetts state law. The class certified by the Court consists of patrons of ATMs owned or operated by Cardtronics who have total blindness or central vision acuity not to exceed 20/200 in the better eye, with corrective lenses, as measured by the Snellen test, or visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle of not greater than 20 degrees (the “Class Members”).

The parties subsequently had a number of disputes concerning performance of the Settlement Agreement by Cardtronics. The parties ultimately resolved these disputes through a revised agreement called a Remediation Plan, which was granted final approval by the Court on November 3, 2010. The Remediation Plan extended some of the deadlines in the Settlement Agreement and also obligated Cardtronics to install customized voice-guidance software on the vast majority of its owned machines by December 31, 2010.

On July 29, 2011, and again in August 2012, Plaintiffs moved for contempt sanctions, alleging that Cardtronics was not in compliance with the Settlement Agreement and Remediation Plan. On March 21, 2013, the Court issued an Order finding that contempt sanctions against Cardtronics were warranted, but stating further that the extent of Cardtronics’ violations remained to be ascertained. After extensive negotiations, and with the assistance of a Court-appointed Special Master, the parties have now entered into an Amended and Restated Class Action Settlement Agreement (“Amended Agreement”) to resolve all remaining disputes concerning Cardtronics’ alleged noncompliance with the Settlement Agreement and Remediation Plan. This Amended Agreement is subject to approval by this Court.

THE PARTIES BELIEVE THAT THE AMENDED AGREEMENT WILL GIVE THE MEMBERS OF THE CLASS EVEN GREATER ACCESS TO CARDTRONICS' EXPANDING NATIONWIDE FLEET OF ATMs.

As a general summary of the Amended Agreement, Cardtronics has agreed to develop and install enhanced voice-guidance software for its fleet of ATMs—both owned and operated—on or before March 31, 2017. The parties have also agreed to new, NFB-approved Braille signage. The Amended Agreement also provides for a robust field inspection and testing program, as well as comprehensive compliance reporting. The Court-appointed Special Master will serve as “Arbiter” during the term of the Amended Agreement to determine, through a rigorous software approval process that will include testing by a NFB-approved blind consultant, whether the enhanced software satisfies the parties’ agreed-upon voice-guidance standards and to certify Cardtronics’ compliance with those standards. Cardtronics has agreed to pay the reasonable fees and expenses incurred by the Arbiter and the consultant during the software testing and approval process. Cardtronics has also agreed to pay \$1,250,000 to the NFB and \$250,000 to the Commonwealth of Massachusetts, to be used to promote or to fund other programs or initiatives that promote equal access for Blind persons. Cardtronics has further agreed to pay the reasonable attorneys’ fees and expenses incurred by class counsel in connection with negotiating the Amended Agreement and obtaining final approval of the Amended Agreement by the Court. The attorneys’ fees and expenses incurred by class counsel through October 31, 2014 total \$307,093.80. These payments will not detract from Cardtronics’ obligations to provide accessible ATMs to the class.

Under the Amended Agreement, Class Members will release Cardtronics from all claims concerning Cardtronics’ compliance with the Settlement Agreement and Remediation Plan. Class members (other than the named Plaintiffs) will not release claims for monetary damages except for those related to Cardtronics’ alleged noncompliance with the Settlement Agreement, Remediation Plan or prior Court orders. A full copy of the Amended Agreement is available on Cardtronics’ website:

<http://www.cardtronics.com/about/legal.asp> and the website of the National Federation of the Blind, Inc: [https://nfb.org/images/nfb/documents/pdf/cardtronics\\_settlement\\_agreement.pdf](https://nfb.org/images/nfb/documents/pdf/cardtronics_settlement_agreement.pdf).

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of this Court dated December 2, 2014, and as thereafter amended, that a Final

Approval Hearing will be held on May 7, 2015, at 2:00 p.m., before this Court in the United States Courthouse, One Courthouse Way, Boston, Massachusetts 02210. The purpose of this Final Approval Hearing is to determine whether the proposed Amended Agreement should be approved by the Court as fair, reasonable and adequate, whether class counsel's application for attorneys' fees and costs and the payments to the NFB and the Commonwealth should be approved, and whether the contempt proceedings should be dismissed on the merits and with prejudice. **The date of the Final Approval Hearing may change without further notice to the class.** Class Members are advised to check the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.mad.uscourts.gov> to confirm that the date of the Final Approval Hearing has not been changed.

Class Members who wish to object to the proposed settlement must provide notice of and explanation of their objection in writing to the Court at the address above, with copies to Counsel at the addresses below, no later than April 2, 2015. Only Class Members filing timely objections may request to present their objections at the Final Approval Hearing.

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FOR FURTHER INFORMATION, VISIT <http://www.cardtronics.com/about/legal.asp> OR  
CONTACT COUNSEL FOR PLAINTIFFS:

Office of the Attorney General of the Commonwealth of Massachusetts, (617)  
727-2200, [www.mass.gov/ago](http://www.mass.gov/ago)

OR

Brown, Goldstein & Levy, LLP, (410) 962-1030, [www.browngold.com](http://www.browngold.com)

EXCEPT AS INSTRUCTED IN THIS NOTICE, PLEASE DO NOT CONTACT THE COURT.

Dated: December 8, 2014

By Order of the  
United States District Court  
for the District of Massachusetts